

IN THE SUPREME COURT OF TENNESSEE

AT NASHVILLE

(HEARD AT JACKSON)

<p><b>FILED</b></p> <p><b>November 3, 1997</b></p> <p><b>Cecil W. Crowson</b> <b>Appellate Court Clerk</b></p>
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STATE OF TENNESSEE	)	FOR PUBLICATION
	)	
Appellee	)	FILED: NOVEMBER 3, 1997
	)	
v.	)	WILLIAMSON COUNTY
	)	
LARRY WAYNE STOKES	)	HON. HENRY DENMARK BELL,
	)	JUDGE
	)	
Appellant	)	NO. 01-S-01-9701-CC-00006

For Appellant: \_\_\_\_\_

For Appellee:

LARRY WAYNE STOKES, pro se  
Only, TN

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Attorney General and Reporter

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Nashville, TN

JOSEPH D. BAUGH, JR.  
District Attorney General

JEFFREY P. BURKS  
Assistant District Attorney  
General  
Franklin, TN

OPINION

AFFIRMED

BIRCH, J.

Larry Wayne Stokes, the appellant, was convicted in the Circuit Court of Williamson County of rape of a child, in violation of Tenn. Code Ann. § 39-13-522 (Supp. 1995). He currently serves a fifteen-year sentence in the Department of Correction.

In his appeal as of right, Stokes raised a single issue: the sufficiency of the convicting evidence. The Court of Criminal appeals found the evidence sufficient and affirmed the trial court's judgment.

Stokes applied for review pursuant to Tennessee Supreme Court Rule 11. In his application, he asserted, for the first time, that the indictment was defective so as to deprive the court of jurisdiction.

We accepted the application in order to review the single issue concerning the validity of the indictment.

The indictment contains six counts of child rape. Each count reads as follows:

The Grand Jurors for the State of Tennessee, duly elected, impaneled, sworn, and charged, to inquire for the body of the County of Williamson and State aforesaid, upon their oath aforesaid, present that **LARRY WAYNE STOKES**, heretofore, to-wit, in May, 1993 to October, 1993, before the finding of this presentment, in said County and State, unlawfully and feloniously did sexually penetrate a female child under the age of thirteen (13) years, whose date of birth is 8-9-81, in violation of Tennessee Code Annotated, Section

39-13-522, and against the peace and  
dignity of the State of Tennessee.

Stokes' contention that the indictment is defective to  
the extent that the trial court was without jurisdiction is  
controlled by State v. Hill, No. 01-S-01-9701-CC-00005 (Tenn. filed  
Nov. 3, 1997).

Under the Hill analysis, we find the indictment  
constitutionally valid and sufficient to vest the court with  
jurisdiction.

Accordingly, we dismiss the appeal and affirm the  
judgment of the Court of Criminal Appeals. Costs of this cause are  
taxed to Stokes for which execution may issue if necessary.

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ADOLPHO A. BIRCH, JR., Justice

CONCUR:

Anderson, C.J.  
Drowota, Reid, Holder, JJ.